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28,332-CIP

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COMMENTS:

DATE: December 20, 2005

Response to Office Letter dated November 29, 2005. Applicant Lester Cornelius; Serial No. 10/671,693; Filed 09/29/03; Confirmation No.: 7411; Attorney Docket 28,332-CIP.

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Art Unit 1773 Examiner D. S. Nakarani
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Paper No.

Applicant:: Lester Cornelius

Serial No.: 10/671,693

Filed: 09/29/03
 Confirmation No.: 7411
 Attorney Docket 28,332-CIP

COMMISSIONER FOR PATENTS
P. O. Box 1450 - Mail Stop Non-Fee Amendments
Alexandria, VA 22313-1450

Sir:

Responsive to office letter dated November 29, 2005.

Examiner has stated that the reply filed on August 31, 2005 is not fully responsive to the prior office action because of the following omissions or matters. The copy of response filed on January 24, 2002 in the parent case, Serial No.: 09/849,884 addressed a rejection of claims 1 to 5 based on Miro (U.S. 6,166,852) in view of Basal (U.S. 6,264,859 B1) and Pavelka, et. al. (U.S. 5,387,458). Examiner states that the present rejection of claims 1 through 3 in this case is based on Miro in view of Pavelka, et. al., and that therefore the copy of the response filed in the parent case is not a proper response. The proper response is the response which addresses the rejection of claims 1 to 3 under Section 103 as unpatentable over Miro in view of Pavelka, et. al.

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Paragraph 37 C.F.R. 1.104(2) states that in rejecting claims for one of novelty or for obviousness, the Examiner must cite the best reference at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained, in each rejected claim specified.

Applicant has supplied a response submitted in the parent application, Serial No. 09/849,884, in which Applicant explained his position relative to each of the three references. This position is equally applicable to a combination of only two of those previously considered references.

In the present application, claims 1, 2, and 3 essentially recite the same invention as was claimed in the parent application. It is noted that in Applicant's response in the parent application, Examiner did not pursue his position further.

It may possibly be that his present modified reference structure includes sufficient disclosure to enable a combination of these references, without further invention, to produce Applicant's presently claimed structure. This is not apparent in Examiner's action in either the parent application or the present application, and it appears to Applicant that Examiner has not complied with 37 C.F.R. 1.104(2). The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.

As previously argued, Applicant's principal contribution to the art lies in the appreciation that the optical brightener and one layer of ultraviolet absorber may be combined. He accommodates for fluorescence by providing a second relatively thin

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layer which contains only a relatively modest amount of ultraviolet absorber which, in effect, serves to remove the fluorescent effect of the optical brightener, so that the net result is complete blockage of ultraviolet radiation in a simple package consisting of only two layers, the outer one of which can be considerably thinner because of its relatively lower ultraviolet blocking material content. Examiner has admitted that Miro does not disclose a combination of ultraviolet absorber and optical brightener in the adhesive layer, and a polysiloxane layer containing an ultraviolet absorber.

To provide for this deficiency, Examiner is now relying solely on Pavelka, et. al., without reference to Basil, et. al. He understands that Pavelka, et. al. disclose an article describing a fluorescent layer and an ultraviolet screening layer over the

fluorescent layer and thus teach that the incorporating of an ultraviolet absorber with a

PAGE 4/5 * RCVD AT 12/20/2005 10:38:32 AM [Eastern Standard Time] * SVR:USPTO-EFAX-6/30 * DNIS:2738300 * CSID: * DURATION (mm-ss):02-28

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Examiner is invited to make his next action final, and in such case, he is requested to specifically point out in each of the disclosures upon which he is relying where Applicant's invention as presently claimed is either shown or suggested.

Further and favorable action is earnestly solicited.

Respectfully,


Charles E. Temko
Attorney for Applicant

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Certificate of Mailing

It is hereby certified that the within Response was faxed on December 20, 2005 to the Central Fax Number 571-273-8300, and copy of same mailed on same date via first-class mail, postage prepaid by depositing with the United States Post Office addressed to Commissioner for Patents, P. O. Box 1450 - Mail Stop AF, Alexandria, VA 22313-1450.


Yvonne Sledge
Legal Assistant to Charles E. Temko, Esq.